THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25630 of 2006

Dated: 08-12-2006

Between:

Puppala Tulasiram.

..... PETITIONER

AND

State of Andhra Pradesh, rep. by its Secretary to Government, Revenue Department, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25630 of 2006

ORDER:

The petitioner filed instant writ petition seeking a writ of Mandamus to declare the notification issued by the Government vide G.O.Ms.No.585 dated 04-05-2005 in purported exercise of power under Section 22-A of the Registration Act, 1908 (the Registration Act, for brevity) as amended by the Registration (Andhra Pradesh Amendment) Act, 1999, as unconstitutional and ultra vires. He also seeks a consequential direction to the respondents to receive and register the documents presented by him in respect of the land admeasuring Ac.0.14.5 cents in survey No.57/2 situated at Pothana Mallayyapalem Village of Chinagadili Mandal in Visakhapatnam District.

In **State of Rajasthan v. Basant Nahata**[1], the Supreme Court struck down the provision in the Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its Judgment, dated 07-12-2005 in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in the State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11-08-2006. Therefore, the impugned notification cannot be sustained. It is further brought to the notice of this Court that by order dated 04-09-2006 in W.P.No.18373 of 2006, this Court has already set aside G.O.Ms.No.585 dated 04-05-2005 observing that as and when the sale deeds are presented by the petitioner therein, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record reasons under Section 71 of the Act.

Following the same, this writ petition is disposed of. Even thereafter, if the petitioner has any grievance, he may file appeal before the appellate authority i.e., District Registrar under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, he can file suit under Section 77 of the Act. No costs.

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(**V.V.S.RAO, J**)

08th December, 2006

ghn

[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456